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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 REGINALD MCDONALD,

2:09-CV-0438-PMP-RJJ

9 Plaintiff,

10 vs.

**ORDER**

11 JEREMY BEAN, et al.,

12 Defendants.

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14 On March 23, 2010, the Court entered an Order (Doc. #8) dismissing  
15 Plaintiff's Complaint with prejudice as a result of Plaintiff's failure to comply with  
16 prior Orders of the Court permitting him to and including February 25, 2010 within  
17 which to file an Amended Complaint. On June 16, 2010, the Court entered an Order  
18 (Doc. #13) denying Plaintiff's Motion to Respond and to Reconsider (Doc. #12).  
19 Plaintiff took a timely Appeal to the United States Court of Appeals for the 9th  
20 Circuit and on August 12, 2011, the 9th Circuit Court of Appeals entered an Order  
21 vacating and remanding this Court's Order (Doc. #13) for further review.

22 The Court has reviewed these proceedings, and based thereon finds this  
23 Court's Order (Doc. #13) entered June 16, 2010, should be vacated and Plaintiff  
24 permitted an additional opportunity to file an Amended Complaint.

25 **IT IS THEREFORE ORDERED** that this Court's Order (Doc. #13)  
26 entered June 16, 2010 is hereby **VACATED**.

1           **IT IS FURTHER ORDERED** that Plaintiff's Motion to Respond and  
2 Reconsider (Doc. #12) is **GRANTED** and that Reginald McDonald shall have to and  
3 including November 4, 2011, within which to file Plaintiff's Proposed Amended  
4 Complaint.

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6 DATED: September 28, 2011.

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9 PHILIP M. PRO  
United States District Judge  
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